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5	Attorneys for Plaintiffs CRAIG YATES and DISABILITY RIGHTS ENFORCEMENT	Γ.
6	EDUCATION SERVICES	,
7	SUPERIOR COURT OF 7	THE STATE OF CALIFORNIA
8	IN AND FOR SAN	FRANCISCO COUNTY
9		
10	CRAIG YATES, an individual; and DISABILITY RIGHTS ENFORCEMENT,	CASE NO. CGC-07-469605
11	EDUCATION, SERVICES: HELPING ) YOU HELP OTHERS, a California public )	OPPOSITION TO NOTICE OF RELATED CASES
12	benefit corporation,	PROPOSED CASES:
13	Plaintiffs,	CGC-06-452090;
14	v. )	CGC-06-459119;
15	LA ROCCA'S CORNER; LEO LAROCCA,)	CGC-07-467642;
16	TRUSTEE OF THE LEO LAROCCA () REVOCABLE TRUST; PURGATORY ()	CGC-07-469073;
17	INC., a California corporation; and DOES 1-) 20, inclusive,	CGC-08-473260;
18	Defendants.	CGC-08-473176
19		
20		
21	CAVEAT: Attorney Frank S. Moore, on b	behalf of defendant PURGATORY INC., a
22	California corporation, appears	s to have filed a Notice of Related cases totaling six It is impossible for plaintiffs' counsel to specifically
23	respond within the required five	ve (5) day period and can only do so on active cases
24	responding to cases already dis	have the resources to accomplish the task of smissed. Plaintiffs' counsel, therefore, will make an
25	applicable general statement.	
26	Plaintiffs, by and through their counse	el of record, submit their opposition to the Notice of
27	Related Cases filed by defendant PURGATO	RY INC., a California corporation, seeking to relate
28	the six hundred and thirty-six (636) cases liste	ed in Exhibit A to this action.

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27 28 In opposition, plaintiffs wish to make the Court aware of the following information:

- That relating thirty-eight (38) plaintiffs and six hundred and thirty-six (636) cases is ludicrous.
- 2. That each of the six hundred and thirty-six (636) cases involve different defendants, with no one (1) defendant being named in more than one action (1) involving the same public accommodation. The only similarity between the defendant parties is their respective interests in the ownership and/or operation of various places of public accommodation throughout Northern and Southern California. The Court would not find that Jane Doe, the owner of the Burger King in Eureka, is substantially the same party as John Smith, the owner of the Riverbend Restaurant in Sacramento, or that either would have any relationship to the defendant City of Fort Bragg for purposes of case relation. Similarly, the Court should recognize that the defendants to the actions at issue here are separate and unique individuals and/or entities.
- 3. That the actions do not arise from the same or substantially identical happenings or events insomuch as the physical premises at issue in each of the six hundred and thirty-six (636) actions are wholly unique. While there are admittedly some similarities in the categories of architectural barriers present at the subject businesses, i.e. several of the businesses may not provide disabled parking, parking signage, directional signage, accessible entrances, accessible dining areas, accessible hotel rooms, usable sidewalks, accessible men's and women's restrooms, etc.; there are numerous discrete architectural issues which are specific to each business. For instance, one restaurant has a step at the entrance which can be remedied through installation of an accessible ramp; another has doors so narrow a wheelchair user cannot pass through; a third has no disabled parking. Because the premises are different, the discrete architectural barriers encountered by plaintiffs are different, and thus, it cannot be said that the actions arise from the same or substantially identical happenings or events.
- 4. That the capacities of the various defendants to remove architectural barriers at their respective places of public accommodation is very likely different, and change the legal and factual issues which will need to be decided by the Court and/or the jury in each individual case.

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OPPOSITION TO NOTICE OF RELATED CASES

- The barrier removal requirements of Title III of the Americans with Disabilities Act ("ADA"), the Unruh Civil Rights Act and the California Disabled Persons Act, are intended to be applied on a case-by-case basis, with Congress and the Legislature recognizing the differing abilities of business owners to provide disability access in existing facilities. What may be a readily achievable barrier removal for one defendant, may not be readily achievable for another– there is no cookie-cutter answer to what is or is not readily achievable. Therefore, the factually intensive inquiry which must be undertaken precludes the consolidated type of discovery and motion practice which is suggested by relating the cases.
- 5. That the unique construction history of each of the subject public accommodations—when they were built, whether they have undergone alteration or modification-subjects these public accommodations to differing disability access standards. As an example, an accommodation built prior to 1990 will be subject to the barrier removal requirements of the ADA whereas an accommodation built after 1990 will be subject to the new construction standard of the ADA. Similarly, an accommodation built or altered after July 1982 must comply with the accessibility standards of Title 24 of the California Code of Regulations ("Title 24") as they stood at the time of construction. Therefore, to the extent the six hundred and thirty-six (636) different public accommodations have their own construction histories, they are potentially liable for violation of different disability access standards each of which offer defendants different possible defenses.
- 6. That other types of factual issues, characterized in the Notice of Related Cases as being identical, are in fact, quite specific to each action.
- (A) Whether the claimed barriers actually barred plaintiffs from the subject businesses. This issue is obviously dependent upon the nature and severity of the architectural barriers specific to each public accommodation. As the barriers vary from place to place, the degree to which each of the thirty-eight (38) plaintiffs was denied access will also vary.
- (B) If there is technical non-compliance with the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24, did the Defendants give each of the thirty-eight (38) plaintiffs effective, meaningful access to their facility? Again, to the extent that

the nature and severity of the architectural barriers vary, the degree of access will vary from case to case.

- (C) What is the extent of each of the thirty-eight (38) plaintiffs' alleged bodily injuries? Was each plaintiff injured, or otherwise damaged? In almost all instances, the effort to overcome architectural barriers to access results in some level of bodily injury to a plaintiff. However, the type of injury and the extent to which it causes pain and suffering is particular to each case. In one case, plaintiff may strain his arms and shoulders while struggling to roll his wheelchair up an excessively steep ramp; while in another case, a plaintiff may slip and fall while attempting to transfer from his wheelchair to a toilet without assistance of grab bars. The injuries suffered by each of the thirty-eight (38) plaintiffs are far from identical in each case.
- (D) What defendants and most Courts don't realize is that what paraplegics and functional quadriplegics rely upon is their upper extremities, (functional quadriplegics to a significantly lesser degree). Day in and day out they attempt to overcome a variety of barriers, some architectural and some natural. What is a simple task such as opening a door can become a monumental task, if that door and the pressure needed to open it take tremendous individual pressure. This often leads to what we refer to as repetitive, continuous and cumulative trauma to the upper extremities. It may only last thirty (30) seconds to two (2) minutes, but nevertheless, no one is able to say this does not constitute an injury. That's why it is so important to plead and why the public needs to understand it! Defendants need only take depositions to confirm this.
- 7. That many, if not all, of the potential legal issues raised by these cases are issues which could be raised in virtually every disability access suit filed with this Court or any other Court. Just because the general causes of action pled by plaintiffs lend themselves to certain generic legal issues does not warrant relating the matters.

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If such were the case, the Court would have to relate every disability access action currently pending on its docket.

- 8. Further, Rule 3.300 (a), Related Cases, states:
  - A pending civil case is related to another pending civil case, or to a civil case that was dismissed with or without prejudice, or to a civil case that was disposed of by judgment, if the cases:
- (1) Involve the same parties and are based on the same or similar claims;
- Arise from the same manner or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact;
- (3) Involve claims against, title to, possession of, or damages to the same property; or
- (4) Are likely for other reasons to require substantial duplication of judicial resources if heard by different judges.

Plaintiffs respond to each criteria as follows:

## (1) Involve the same parties and are based on the same or similar claims

Other than the fact that many plaintiffs have filed multiple actions for access alleging violations of the ADA, Civil Code § 51, Civil Code § 54, and California Health & Safety Code §19955, *et seq.*, there is nothing else related to these cases.

Each case involves a different public accommodation. Each case involves different defendants in that it is rare that any other case has the same landlord and tenant. Each case involves different operational facts as to what took place. Each case has a different "readily achievable" standard or affirmative defense standard. Each case involves differing financial conditions for each defendant in asserting the readily achievable defense of financial inability.

## (2) Arise from the same manner or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact

None of these cases arise from the same or substantially identical transactions, incidents or events, to wit: how are cases that were filed in 1999, or nine years ago, conceivably related at all? How are the claims of over 38 plaintiffs related when, other than DREES, it appears that almost none were coplaintiffs in any action filed?

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Each incident and event in each of the cases was different, i.e. no two parking lots are the same, no two entrances are the same, no placement of signage would be the same, no two men's restrooms were the same, no two women's restrooms were the same, no two buildings were the same, etc. The same can be said for the elements in the restrooms, i.e. the type and placement of paper towel dispensers, toilet tissue dispensers, soap dispensers, toilet seat heights-all are very different. The affirmative defenses of these landlord-defendants and tenantdefendants differ from one another in these cases.

- Involve claims against, title to, possession of, or damages to the same **(3)** property Not applicable.
- **(4)** Are likely for other reasons to require substantial duplication of judicial resources if heard by different judges

It's ludicrous to think there would be substantial duplication of judicial resources if heard by different judges considering the fact that the only common thread that runs between them are the causes of action that are alleged. It would be the same as saying that all air crash litigation should be related because they involve airports, airlines, manufacturers, and pilots that all led to a disaster.

Not one of the cases that Defendant is trying to relate have a substantial identical transaction requiring the determination of the same or substantially identical questions of law or fact because there are different operative facts, different landlords, different tenants and different barriers. The only thing that is similar is the fact that they are civil rights claims, as stated herein above.

For all of the forgoing reasons, plaintiffs believe that it would be improper and impractical to relate and/or reassign the subject cases.

Furthermore, there is absolutely no legal justification for defense counsel to file such an unmeritorious notice. As such, plaintiffs request that it be awarded attorneys fees and costs for the substantial time necessitated to respond and oppose this notice.

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These sanctions would be requested pursuant to Federal Rule of Civil Procedure 11 and California Code of Civil Procedure §128.5.

Finally, plaintiffs' counsel requests that Attorney Frank S. Moore be sanctioned by the courts under Federal Rule of Civil Procedure 11 and California Code of Civil Procedure §128.5 for filing such a frivolous notice with the Court that has required substantial resources not only for plaintiffs' counsel but also considerable resources for the number of courts and counsel who have received and must appropriately handle this notice.

Dated: September 2, 2008

THOMAS E. FRANKOVICH, A PROFESSIONAL LAW CORPORATION

By: /S/
Thomas E. Frankovich

Attorneys for Plaintiffs CRAIG YATES and DISABILITY RIGHTS ENFORCEMENT, EDUCATION SERVICES

## Exhibit A

	SAN FRANCISCO COUNTY SUPERIOR COURT		
	<u>Name</u>	Case No.	Filing Date
	CRAIG YATES et al vs. CIGAR AMOUR et al	CGC-06-452090	05/09/06
	CRAIG YATES et al vs. JUST DESSERTS et al	CGC-06-452131	05/10/06
3	CRAIG YATES et al vs. THE ABBEY TAVERN et al	CGC-06-452509	05/23/06
	CRAIG YATES et al vs. DRAGON CITY RESTAURANT et		
	al	CGC-06-456662	10/02/06
	CRAIG YATES et al vs. PAKWAN RESTAURANT et al	CGC-06-459119	12/28/06
	CRAIG YATES et al vs. RICO'S RESTAURANT et al	CGC-07-467642	09/27/07
7	CRAIG YATES et al vs. K & L RESTAURANT et al	CGC-07-469073	11/09/07
	CRAIG YATES et al vs. CANDYSTORE COLLECTIVES et		
	al	CGC-08-470951	01/10/08
9	CRAIG YATES et al vs. UNION SQUARE et al	CGC-08-473176	03/11/08
10	CRAIG YATES et al vs. DA FLORA RESTAURANT et al	CGC-08-473260	03/13/08
4.4	ODAIO VATEO AL A DENIADONO THAI OHIOINE AL AL	000 00 470740	00/07/00
	CRAIG YATES et al vs. BENJARONG THAI CUISINE et al		03/27/08
12	LES JANKEY et al vs. QUEEN ANNE HOTEL et al	CGC-05-443-089	07/13/05
12	LES JANKEY et al vs. HERITAGE MARINA HOTEL et al	CCC 05 442420	07/14/05
	LES JANKEY et al vs. MARK TWAIN HOTEL et al	CGC-05-443128	07/14/05 07/15/05
	LES JANKEY et al vs. EL HERRADERO RESTAURANT et	CGC-05-443154	07/15/05
15		CGC-05-443179	07/18/05
	LES JANKEY et al vs. THE BLUE MUSE RESTAURANT		
16	et al	CGC-06-452092	05/09/06
47	NICOLE MOCO SCALAR DED LADE DEGTALIDANT ACAL	000 00 450000	05/40/00
	NICOLE MOSS et al vs. RED JADE RESTAURANT et al	CGC-06-452098	05/10/06
18	PATRICK CONNALLY et al vs. TWILIGHT ZONE et al	CGC-06-452101	05/10/06
40	PATRICK CONNALLY et al vs. NORTH BEACH PIZZA et	CCC 0C 4F0400	05/40/00
19		CGC-06-452129	05/10/06
-	LES JANKEY et al vs. ASA SUSHI et al	CGC-06-452130	05/10/06
21	CRAIG YATES et al vs. JUST DESSERTS et al	CGC-06-452131	05/10/06
22	NICOLE MOSS et al vs. ROYAL GROUND COFFEE et al	CGC-06-452133	05/10/06
	CRAIG YATES et al vs. THE ABBEY TAVERN et al	CGC-06-452509	05/23/06
20	ON THE PROBLET TAVERING OF ALL	000 00 402000	00/20/00
24	LES JANKEY et al vs. LAUREL INN ASSOCIATES et al	CGC-06-452983	06/08/06
	PATRICK CONNALLY et al vs. O'REILLY'S IRISH PUB &		
	REST. et al	CGC-06-454493	07/25/06
	LES JANKEY et al vs. TIA MARGARITA et al	CGC-06-455148	08/15/06
	PATRICK CONNALLY et al vs. SZECHUAN TASTE REST.		
27	et al	CGC-06-455150	08/15/06
	PATRICK CONNALLY et al vs. LUISA'S RESTORANTE et		
28		CGC-06-457253	10/23/06
	CRAIG YATES et al vs. PAKWAN RESTAURANT et al	CGC-06-459119	12/28/06
	LES JANKEY et al vs. THE HOTEL MAJESTIC et al	CGC-07-459698	01/18/07
	LES JANKEY et al vs. GLASS PROPERTIES LP et al	CGC-07-462659	04/24/07
	LES JANKEY et al vs. SONG KOO LEE et al	CGC-07-463040	05/03/07
	NICOLE MOSS et al vs. MOLTE COSE et al	CGC-07-464669	06/27/07
	CRAIG YATES et al vs. K & L RESTAURANT et al	CGC-07-469073	11/09/07

	SAN FRANCISCO COUNTY SUPERIOR COURT		
	(CONTINUED)		
	(OOKTIINOLD)		
	PATRICK CONNALLY et al vs. GRAFFEO COFFEE		
35	ROASTING Co. et al	CGC-07-469631	11/30/07
	PATRICK CONNALLY et al vs. XOX TRUFFLES et al	CGC-07-470559	12/31/07
- 00	CRAIG YATES et al vs. CANDYSTORE COLLECTIVES et	000 01 11 0000	12/01/01
37		CGC-08-470951	01/10/08
	PATRICK CONNALLY et al vs. PETITE DELI et al	CGC-08-470953	01/10/08
00	PATRICK CONNALLY et al vs. SUSHI ON NORTH	000 00 41 0000	01/10/00
30	BEACH-KATSU et al	CGC-08-472709	02/28/08
55	DEMONTRATION OF ALL	000 00 412103	02/20/00
40	CRAIG YATES et al vs. DA FLORA RESTAURANT et al	CGC-08-473260	03/13/08
+0	OTATE OF ALVO. DATEOTA REGIACITATION OF AL	000-00-47 3200	03/13/00
11	CRAIG YATES et al vs. BENJARONG THAI CUISINE et al	CGC 09 472716	03/27/08
41	CRAIG TATES et al vs. BENJARONG THAI COISINE et al	CGC-00-473710	03/21/06
42	LES JANKEY et al vs. PLOUGH AND THE STARS et al	CCC 00 47400E	04/20/09
	LES JANKEY et al vs. HAWTHORNE/STONE REAL	CGC-08-474085	04/29/08
		CCC 00 474557	04/02/00
43	ESTATE INVESTMENTS et al	CGC-08-474557	04/23/08
	CAN MATEO COUNTY CUREDION COURT		
	SAN MATEO COUNTY SUPERIOR COURT		
	Name	Ones No	Filing Data
	Name	Case No.	Filing Date
	MARSHALL LOSKOT et al vs. AIRPORT NORTH	01) / 450 404	07/04/00
44	TRAVELODGE	CIV456401	07/24/06
	MARIN COUNTY CURERIOR COURT		
	MARIN COUNTY SUPERIOR COURT		
	No	O NI-	ETT - D - ( -
	Name	Case No.	Filing Date
	CRAIG YATES et al vs. WOODSIDE OFFICE CENTER et	00/000454	0=/00/0=
45		CIV053454	07/28/05
	CRAIG YATES et al vs. CAPRA'S RESTAURANT et al	CIV061583	04/07/06
	CRAIG YATES et al vs. VIKING BAR CORP. et al	CIV062007	05/12/06
	CRAIG YATES et al vs. VIKING BAR CORP. et al	CIV062223	05/22/06
49	CRAIG YATES et al vs. PETER PAN DOUGHNUTS	CIV064664	10/19/06
50	CRAIG YATES et al vs. MING YEN RESTAURANT et al	CIV071909	04/24/07
	CRAIG YATES et al vs. WOODSIDE OFFICE CENTER et	<b>-</b>	
51		CIV053454	07/28/05
	PATRICK CONNALLY et al vs. TACO JANE'S et al	CIV061134	03/17/06
	CRAIG YATES et al vs. CAPRA'S RESTAURANT et al	CIV061583	04/07/06
54	CRAIG YATES et al vs. VIKING BAR CORP. et al	CIV062007	05/12/06
	PATRICK CONNALLY et al vs. PEPPER'S RESTAURANT		
	et al	CIV062191	05/18/06
	PATRICK CONNALLY et al vs. CHAI W. CHAN et al	CIV062650	06/16/06
57	CRAIG YATES et al vs. PETER PAN DOUGHNUTS	CIV064664	10/19/06
58	CRAIG YATES et al vs. MING YEN RESTAURANT et al	CIV071909	04/24/07
50	PATRICK CONNALLY et al vs. SHAPIRO ASSOCIATES	CIV072045	05/01/07

	UNITED STATES FOR THE NORTHERN DISTRICT OF		
	CALIFORNIA		
	Name	Case No.	Filing Date
	YATES et al vs. ASSOCIATED MAIN STREET		
60	PARTNERS et al	3:2004cv04308-BZ	10/12/04
61	YATES et al vs. NICOLAI BUILDING et al	3:2004cv05087-JCS	12/01/04
62	YATES et al vs. HELLER'S FOR CHILDREN et al	3:2004cv05211-PJH	12/09/04
	YATES et al vs. WOODSIDE OFFICE CENTER et al	3:2005cv03610-JL	09/07/05
64	YATES et al vs. NAPA VALLEY CASINO et al	3:2006cv07917-MMC	12/27/06
	YATES et al vs. PETCO ANIMAL SUPPLIES STORES et		
65	al	3:2007cv00460-WHA	01/23/07
	YATES et al vs. CELIA'S RESTAURANTS et al	3:2007cv00946-CRB	02/14/07
	YATES et al vs. NEW TIN'S MARKET et al	3:2007cv01403-MHP	03/09/07
	YATES et al vs. BELLI DELI et al	3:2007cv01405-WHA	03/09/07
	YATES et al vs. THE CHEESE STEAK SHOP et al	3:2007cv01566-PJH	03/19/07
	YATES et al vs. FOSTER FREEZE BERKELEY et al	3:2007cv02100-JSW	04/13/07
-	YATES et al vs. D & A CAFÉ et al	3:2007cv02525-MMC	02/11/07
	YATES et al vs. WINTER PROPERTIES et al	3:2007cv02657-JL	05/18/07
	YATES et al vs. EL SOMBRERO et al	3:2007cv03033-EDL	06/12/07
	YATES et al vs. BIMBO BAKERIES USA et al	3:2007cv03326-MMC	06/25/07
	YATES et al vs. LOTUS CUISINE OF INDIA et al	4:2007cv03889-WDB	07/30/07
	YATES et al vs. DISCOUNT ALLEY et al	3:2007cv04177-EDL	08/14/07
	YATES et al vs. RED'S RECOVERY ROOM et al	3:2007cv04395-JCS	08/24/07
	YATES et al vs. N-O-H-R PLAZA et al	3:2007cv05485-MMC	10/26/07
	YATES et al vs. LEVIN COMMERCIAL FACILITY et al	3:2007cv06498-WHA	12/28/07
	YATES et al vs. UNICORN PAN ASIAN CUISINE et al	3:2008cv00356-JSW	01/18/08
	YATES et al vs. BURGER KING # 3157 et al	3:2008cv00737-JCS	01/31/08
	YATES et al vs. KING OF THAI NOODLE # 2 et al	3:2008cv01877-WHA	04/08/08
	YATES et al vs. SWEET DELIGHT et al	3:2008cv01958-JCS	04/14/08
	YATES et al vs. TWICE IS NICE et al	3:2008cv02165-SI	04/25/08
	YATES et al vs. ZEPHYR CAFÉ et al	3:2008cv02293-PJH	05/02/08
	YATES et al vs. SUSHI BISTRO et al	4:2008cv02545-CW	05/20/08
	YATES et al vs. SYERS PROPERTIES et al	3:2008cv02734-SI	05/30/08
	YATES et al vs. BENJARONG THAI CUISINE et al	3:2008cv02932-JL	06/12/08
	YATES et al vs. FRANKLIN ARDEN LLC	3:2008cv03004-EDL	06/18/08
	YATES et al vs. HAPPY DRAGON et al	3:2008cv03183-BZ	07/02/08
	YATES et al vs. TEQUILA GRILL et al	4:2008cv03914-CW	08/15/08
	CONE et al vs. SEQUOIA GROVE	3:2000cv04298-WHA	11/17/00
	CONE et al vs. SONOMA VALLEY VISIT	3:2000cv04290-VV11A 3:2000cv04352-TEH	11/17/00
	RAY et al vs. COMFORT INN et al	3:2000cv04352-1E11	11/20/00
	JANKEY et al vs. HOTEL DEL SOL et al	3:2001cv00489-SI	01/30/01
	CONE et al vs. NAPA VALLEY MARRIOTT et al	4:2001cv00488-CW	01/30/01
	PICKERN et al vs. CITY OF EUREKA et al	4:2001cv00320-WDB	01/30/01
	PICKERN et al vs. WILLOW CREEK 76	3:2001cv00673-MMC	01/19/01
	PICKERN et al vs. CHEVRON WILLOW CREEK et al	3:2001cv00675-MJJ	02/13/01
	RAY et al vs. PACIFIC MOTOR INN et al	3:2001cv00675-W33	02/13/01
	DORAN et al vs. BALBOA CAFÉ et al	4:2001cv00828-CW	02/13/0
	DORAN et al vs. RENDEZVOUS CAFÉ et al	3:2001cv00829-SI	02/26/01
	D'LIL et al vs. BIJOU ASSOCIATES et al		
	DORAN et al vs. WILSON & KRATZER MORTUARIES	3:2001cv01667-JL 3:2001cv01739-JCS	04/30/01 05/03/01

	UNITED STATES FOR THE NORTHERN DISTRICT OF		
	CALIFORNIA (CONTINUED)		
	PICKERN et al vs. NAPA AUTO PARTS EUREKA STORE		
105	et al	2,2004 0,402444	05/24/04
	PICKERN et al vs. FRESH FREEZE SUPPLY	3:2001cv02111-JL	05/31/01
		3:2001cv02112-SI	05/31/01
	CONNALLY et al vs. BAHIA BUSINESS CENTER et al KONE et al vs. ZANDONELLA REPORTING SERVICE et	3:2001cv01741-CRB	05/03/01
		0.000404000 NMAC	05/00/04
108		3:2001cv01808-MMC	05/09/01
	SAMUEL et al vs. E Z 8 MOTELS et al	5:2001cv20401-RS	05/10/01
	GERBER et al vs. LA SCALA INN et al	3:2001cv02168-PJH	06/04/01
	PICKERN et al vs. BEST WESTERN INN AT THE	4 0004 00000 014/	00/00/04
	SQUARE et al	4:2001cv02202-CW	06/06/01
	LOSKOT et al vs. SEA CAPTAIN MOTEL et al	3:2001cv02237-VRW	06/07/01
113	TAUBOLD et al vs. CITY OF FORT BRAGG	3:2001cv02777-CRB	07/20/01
	CONNALLY et al vs. FAST EDDIE'S STYLE BAR-B-QUE		
	et al	3:2001cv03145-PJH	08/15/01
	DORAN et al vs. REDWOOD INN et al	3:2001cv03268-PJH	08/27/01
	MOELLER et al vs. BENIHANA RESTAURANT		
_	BURLINGAME et al	3:2001cv03348-JCS	09/04/01
	DORAN et al vs. QUALITY INN EUREKA et al	4:2001cv03412-SBA	09/07/01
	LOSKOT et al vs. BROADWAY INN MANOR et al	3:2001cv03866-VRW	10/12/01
119	DORAN et al vs. CAPRI MOTEL et al	3:2001cv04016-VRW	10/25/01
120	DORAN et al vs. PREMIER INNS CONCORD et al	3:2001cv05227-JL	12/26/01
121	DORAN et al vs. NANTUCKET RESTAURANT et al	3:2001cv05228-MMC	12/26/01
122	DORAN et al vs. CHINA KING RESTAURNAT et al	3:2001cv05364-JL	12/27/01
123	DORAN et al vs. MILL VALLEY TRAVELODGE et al	4:2002cv00229-WDB	01/14/02
	LOSKOT et al vs. ZACK'S FAMILY RESTAURANT AND		
124	CATERING et al	4:2002cv01554-CW	04/01/02
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127	DORAN et al vs. PACIFIC HEIGHTS INN et al	3:2002cv02666-CRB	06/04/02
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100	DORAN et al vs. CONCORD BEST WESTERN	7.20020V0 <del>7</del> 001 -0 VV	03/10/02
12/	HERITAGE INN et al	3:2002cv04543-EDL	09/18/02
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140	WELLS et al vs. BEACON KING CITY TRUCK PLAZA et al	5:2002cv05507-PVT	11/19/02
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175	DORAN et al vs. JACKSON'S WINE AND SPIRITS et al	3:2004cv00826-MJJ	02/27/04
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188	CONE et al vs. DRY CREEK INN	3:2004cv01725-JSW	05/03/04
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200	MOLSKI et al vs. COPPER-GARROD ESTATE	0.20040402224110	00/01/04
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268	YATES et al vs. CELIA'S RESTAURANTS et al	3:2007cv00460-WHA 3:2007cv00946-CRB	01/23/07 02/14/07
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291	YATES et al vs. LEVIN COMMERCIAL FACILITY et al	3:2007cv06498-WHA	12/28/07
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310	CRAIG et al vs. GUESTHOUSE HOTEL et al	2:2001cv04019-SVW	05/02/01
311	ELLIS et al vs. LOS ROBLES REGIONAL et al	2:2001cv08178-RJK	09/20/01
312	BAILEY HARMON et al vs. CAPTAIN JACK'S et al	8:2002cv00171-DOC	02/20/02
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314	ELLIS et al vs. JACK'S DELI	2:2002cv08837-DDP	11/18/02
315	ELLIS et al vs. HERITAGE PLAZA et al	2:2002cv08838-PA	11/18/02
316	JANKEY et al vs. BARONES et al	2:2002cv06751-GAF	08/28/02
317	ELLIS et al vs. MANNY'S ORIGINAL et al	2:2003cv00029-SVW	01/02/03
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320	MOLSKI et al vs. MISSION BURRITO et al	2:2003cv01801-SVW	03/13/03
321	MOLSKI et al vs. ROSCOE CENTER et al	2:2003cv01841-R	03/14/03
322	ELLIS et al vs. LE RENDEZ-VOUS et al	2:2003cv02069-DSF	03/24/03
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324	MOLSKI et al vs. EDOKKO JAPANESE et al	2:2003cv02240-JSL	03/31/03
325	ELLIS et al vs. HAMSHIRE RETAIL et al	2:2003cv02316-MMM	04/02/03
326	JANKEY et al vs. SIZZLER'S HOLLYWOOD et al	2:2003cv02445-LGB	04/07/03
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329	JANKEY et al vs. DENNY'S SEPULVEDA et al	2:2003cv02793-SJO	04/21/03
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348 MOLSKI et al vs. BRUNSWICK COVINA et al	2:2003cv05461-GAF	07/30/03
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352 MOLSKI et al vs. TAVA LANES BOWL et al	2:2003cv05504-JWJ	07/31/03
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354 MOLSKI et al vs. CASTORO CELLARS et al	2:2003cv05879-NM	08/18/03
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356 MOLSKI et al vs. MERIDIAN VINEYARDS et al	2:2003cv06056-TJH	08/25/03
357 MOLSKI et al vs. CHUMELA VINEYARDS et al	2:2003CV06062-CBM	08/25/03
358 MOLSKI et al vs. DiCARLO VINEYARD et al	2:2003cv06091-DT	08/26/03
359 MOLSKI et al vs. LINNE CALODO CELLARS et al	2:2003cv06233-FMC	08/29/03
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365 MOLSKI et al vs. EBERLE WINERY et al	2:2003cv06361-TJH	09/05/03
366 MOLSKI et al vs. MASTANTUONO INC. et al	2:2003cv06536-SVW	09/11/03
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371 MOLSKI et al vs. GREY WOLF WINEYARDS et al	2:2003cv06765-GAF	09/19/03
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373 MOLSKI et al vs. TURLEY WINE CELLARS et al	2:2003cv06821-RSWL	09/22/03
374 MOLSKI et al vs. ARBY'S VENTURA et al	2:2003cv06891-FMC	09/24/03
375 MOLSKI et al vs. PRETTY-SMITH ENT et al	2:2003cv06935-DDP	09/25/03
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388 MOLSKI et al v JUSTIN VINEYARDS et al	2:2003cv08887-GHK	12/04/03
389 MOLSKI et al v YORK MOUNTAIN WINERY et al	2:2003cv08889-DT	12/05/03
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404	al	2:2004cv00347-ER	01/20/04
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407	MOLSKI et al v KENNETH WILKINSON et al	8:2004cv00083-CJC	01/26/04
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411	MOLSKI et al v CROCODILE CAFÉ GLENDALE et al	2:2004cv00610-SJO	01/28/04
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418	MOLSKI et al v. LA FOND WINERY et al	2:2004cv01044-WMB	02/17/04
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<b>∆</b> 27	RESTAURANT et al	2:2004cv01268-TJH	02/25/04
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420	RESTAURANT et al	2:2004cv01361-R	02/27/04
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125	MOLSKI et al v. EL PESCADOR #2 RESTAURANT et al	2:2004e::01442 DDD	03/02/04
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440	RESTAURANT et al	2:2004cv01931-R	03/19/04
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448		2:2004cv02610-JSL	04/14/04
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157	MOLSKI et al v. CRACKED CRAB RESTAURANTS et al	2:2004cv03544-RGK	05/19/04
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165	MOLSKI et al v. FOSTER FREEZE PASO ROBLES et al	2:2004cv03780-DDP	05/27/04
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485	MOLSKI et al v. COFFEE POT RESTAURANT et al	2:2004cv04611-JWJ	06/24/04
400	HARRIO A L. MICTER TIC FAMILY RECTAURANT. A L	0.0004 0.4050 DT	00/05/04
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488		2:2004cv04685-SVW	06/28/04
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501	RESTAURANT et al	2:2004cv06385-SVW	08/02/04
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504	CONCEPTS LLC et al	2:2005cv06730-SJO	09/13/05
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517	et al	2:2004cv07347-R	09/02/04
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310	WOLOIN CLAIV. DOG AWIIGOG CLAI	2.2004CV07417 OTIK	03/01/04
510	MOLSKI et al v. MANNY'S MEXICAN RESTAURANT et al	2:2004cv07538-DDP	09/10/04
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320	WOLOKI CLAIV. KEDWOOD OLIVILIK CLAI	2.20046007031-101101101	03/21/04
527	MOLSKI et al v. JENSENS COPENHAGEN SQUARE et al	2·2004cv07832-NM	09/21/04
	MOLSKI et al v. BELGIAN CAFÉ et al	2:2004cv07862-TJH	09/22/04
	JANKEY et al v. LOS BURRITOS INC et al	2:2004cv07864-CBM	09/22/04
	JANKEY et al v. RANCH HOUSE BBQ and GRILL et al	2:2004cv07866-ABC	09/22/04
	JANKEY et al v. MOTHER LODE et al	2:2004cv07937-FMC	09/23/04
331	SANCE I Et al V. MOTTEN LODE et al	2.20040007337-1100	03/23/04
532	MOSS et al v. COMFORT INN WOODLAND HILLS et al	2:2004cv07939-FMC	09/23/04
	JANKEY et al v. LANK and OXN CENTER et al	2:2004cv07985-RJK	09/24/04
	MOLSKI et al v. SOLVANG THEATERFEST INC. et al	2:2004cv07987-CAS	09/24/04
	MOSS et al v. EXOTIC NATURE et al	2:2004cv08135-TJH	09/29/04
	MOSS et al v. NEW MOON et al	2:2004cv08140-WMB	09/29/04
	MOSS et al v. VAGABOND INN SOLVANG et al	2:2004cv08255-TJH	10/04/04
301	WOOD CLAIV. VAGABOND IN OCEVANO CLAI	2.2004000233 1011	10/04/04
538	MOLSKI et al v. ELLENS DANISH PANCAKE HOUSE et al	2:2004cv08523-MMM	10/14/04
330	WOLON CLAIV. ELLENO DANIOTTI ANOARE 11000E CLAI	2.20040000323-101101101	10/14/04
530	MOLSKI et al v. TONOS MEXICAN RESTAURANT et al	2:2004cv08524-GHK	10/14/04
339	MOLSKI et al v. MOTHER HUBBARDS RESTAURANT et al	2.2004CV00324-GFIK	10/14/04
540		2:2004cv08616-AHM	10/18/04
	JANKEY et al v. BELMONT RESTAURANT et al	2:2004cv08617-MMM	10/18/04
	JANKEY et al v. BEACH PIZZA et al	2:2004cv08744-SJO	10/10/04
	MOLSKI et al v. GINOS PIZZA et al	2:2004cv08745-MMM	10/21/04
543	JANKEY et al v. EL TACO LOCO-NORTH HOLLYWOOD	2.20040V00140-IVIIVIIVI	10/21/04
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	JANKEY et al v. HAMBURGER HAVEN et al	2:2004cv08778-JSL	
	JANKEY et al v. MISTER DS LIQUOR MARKET et al		10/22/04
546	JANNET ELAIV. MISTER DS LIQUUR MARKET ELAI	2:2004cv09112-GHK	11/04/04

UNITED STATES FOR THE CENTRAL DISTRICT OF		
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547 JANKEY et al v. EL CHOLO CAFÉ et al	8:2004cv01295-JVS	11/05/04
548 JANKEY et al v. MOON'S MARKET et al	2:2004cv09178-SGL	11/05/04
549 JANKEY et al v. MERMAID RESTAURANT et al	2:2004cv09267-ER	11/10/04
550 JANKEY et al v. BOTTLE INN et al	2:2004cv09312-GHK	11/12/04
551 JANKEY et al v. SLOOPYS et al	2:2004cv09609-GPS	11/23/04
552 JANKEY et al v. POOP DECK et al	2:2004cv09741-RSWL	11/30/04
553 JANKEY et al v. BEACH MARKET et al	2:2005cv01288-TJH	02/18/05
554 JANKEY et al v. ALOHA SHARKEEZ et al	2:2005cv03625-DT	05/16/05
555 JANKEY et al v. DANS LIQUOR et al	2:2005cv03626-AHM	05/16/05
556 JANKEY et al v. OBS BAR AND GRILL et al	2:2005cv03842-RGK	05/25/05
557 JANKEY et al v. BEACH HUT et al	2:2005cv03856-SVW	05/25/05
558 JANKEY et al v. PEDONES PIZZA et al	2:2005cv03858-SVW	05/25/05
559 MOLSKI et al v. ARBY'S HUNTINGTON BEACH et al	8:2004cv00038-CJC	08/12/05
560 MOLSKI et al v. PISMO BOWL et al	2:2004cv02647-R	11/15/07
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EASTERN DISTRICT OF CALIFORNIA (CONTINUED)		
561 ASHLEY et al v. BLACKWELL et al	2:1999cv01669-FCD	08/27/99
562 PICKERN et al v. EPPIE'S CAPITOL et al	2:2000cv02231-WBS	10/12/00
563 CONNALLY et al v. EPPIE'S N STREET et al	2:2000cv02232-WBS	10/12/00
564 LOSKOT et al v. CHICAGO TITLE et al	2:2000cv02342-LKK	10/23/00
565 DORAN et al v. CHICAGO TITLE RED et al	2:2000cv02343-WBS	10/23/00
566 LOSKOT et al v. CHICAGO TITLE INS et al	2:2000cv02355-DFL	10/24/00
567 DORAN et al v. PONDEROSA INN et al	2:2000cv02364-WBS	10/25/00
568 GERBER et al v. EPPIE'S MODESTO et al	2:2000cv02723-WBS	10/25/00
569 DORAN et al v. EPPIE'S RESTAURANT et al	2:2000cv02404-WBS	10/30/00
570 LOSKOT et al v. PINE STREET SCHOOL et al	2:2000cv02405-DFL	10/30/00
571 GERBER et al v. BURGER KING MADERA et al	1:2000cv06886-AWI	11/02/00
LOSKOT et al v. BEST WESTERN INN AND SUITES		
572 VALLEJO et al	2:2000cv02555-FCD	11/20/00
573 JANKEY et al v. TAHOE LIMITED CORP, et al	2:2000cv02556-MLS	11/20/00
574 RAY et al v. KML CORPORATION et al	2:2000cv02557-MLS	11/20/00
575 LOSKOT et al v. CRYSTAL MALL et al	2:2000cv02671-FCD	12/06/00
576 HAUGSTEN et al v. MERVYNS' STOCKTON, et al.	2:2001cv00206-DFL	01/31/01
577 DORAN et al v. BELL et al.	2:2001cv00287-GEB	02/13/01
578 DORAN et al v. CORINAS' RESTAURANT et al	2:2001cv00386-LKK	02/26/01
579 LOSKOT et al v. HAWES RANCH and FARM et al	2:2001cv00876-DFL	05/07/01
580 DLIL et al v. PAVILIONS SHOPPING et al	2:2001cv00893-LKK	05/09/01
581 ASHLEY et al v. FARMERS INS AGENCY et al	2:2001cv00894-FCD	05/09/01
582 PICKERN et al v. MARINOS PIZZA et al	2:2001cv01096-WBS	06/04/01
583 DORAN et al v. RED BLUFF CHRYSLER et al	2:2001cv01122-MCE	06/08/01
584 CONNALLY et al v. RIVER RANCH LODGE et al	2:2001cv01590-TFL	08/16/01
585 PICKERN et al v. ENLOE MEDICAL CTR	2:2001cv01710-MCE	09/07/01
586 D'LIL et al v. YREKA DAYS INN et al	2:2001cv01711-MLS	09/07/01
587 LOSKOT et al v. ANDERSON MEDICAL et al	2:2001cv01747-WBS	09/13/01
588 LOSKOT et al v. GERLINGER STEEL et al	2:2001cv01748-GEB	09/13/01

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	LOSKOT et al v. BEST WESTERN INN AND SUITES		
635	VALLEJO et al	2:2007cv01519-FCD	07/26/07
	CHAPMAN et al v. SUBWAY SALADS and SANDWICHES		
636	#14054 et al	2:2007cv01564-FCD	08/01/07

## CERTIFICATE OR PROOF OF SERVICE 1 2 State of California ) ss 3 County of Marin I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the 4 United States, over the age of eighteen (18) years and not a party to the within action or 5 proceeding; that my business address is 4328 Redwood Hwy, Suite 300, San Rafael, CA 94903; that on the below date, following normal business practice, I served the foregoing document, described as: 6 7 OPPOSITION TO NOTICE OF RELATED CASES on the interested parties in this action, conveyed as follows: 8 9 by depositing true copies thereof, enclosed in a sealed envelope, with postage thereon fully prepaid: 10 in first class U.S. Mail I am readily familiar with this office's practice for collection and processing of 11 correspondence for mailing with the United States Postal Service or Federal Express. 12 In the ordinary course of business, correspondence, including said envelope, will be deposited with the United States Postal Service or Federal Express in San Rafael. 13 addressed to: 14 Frank S. Moore Leo M. LaRocca, Esq. Niven & Smith Law Offices of Frank S. Moore, APC 425 California Street, 15th Fl. 1374 Pacific Avenue San Francisco, CA 94109 San Francisco, CA 94104-2118 16 17 Janet M. Brayer Lisa K. Padilla Law Offices of Janet Brayer The Lembi Group 18 20 California Street, #201 2099 Market Street 19 San Francisco, CA 94111 San Francisco, CA 94114 20 Shivani Aggarwal Rawhi Salem 21 P.O. Box 1341 114 Forest Lane Millbrae, CA 94030 San Rafael, CA 94903 22 23 Paul R. Perdue Robert S. Aaron, Esq. Aaron & Wilson, LLP Attorney at Law 369 Pine Street, Suite 610 150 Post Street, Suite 400 24 San Francisco, CA 94104 San Francisco, CA 94108 25 26 Dena M. Roche Nancy S. Sullivan Walter, ESQ. Daniel J. O'Riely Law Offices of Thomas O'Hagan O'Riely, & Roche LLP 27 1999 Harrison Street, Suite 2070 101 California Street, Suite 2450 Oakland, CA 94612

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